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11 Attorneys for Defendant  
GOOGLE INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,  
16 Plaintiffs,  
17 v.  
18 GOOGLE INC.,  
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF RENNY HWANG IN  
SUPPORT OF ORACLE'S  
ADMINISTRATIVE MOTION TO SEAL  
RE ORACLE'S MOTION FOR A NEW  
TRIAL [ECF NOS. 1995, 1996, 2001, 2002]**

Dept. Courtroom 8, 19<sup>th</sup> Fl.  
21 Judge: Hon. William Alsup

1 I, RENNY HWANG, declare as follows:

2 1. I am an attorney employed by Google Inc. (“Google”), where I have served as  
3 senior litigation counsel for the last six years. My job responsibilities include, but are not limited  
4 to, supervising our outside counsel in connection with litigation matters (such as this one), as well  
5 as familiarizing myself with the areas of Google’s businesses and documentation concerning  
6 those businesses as they relate to litigation matters under my supervision. I submit this  
7 declaration in support of Oracle’s Administrative Motions to File Under Seal Portions of Oracle’s  
8 Motion for a New Trial and certain exhibits attached to the Declaration of Mathew Bush (“Bush  
9 Declaration”). *See* ECF Nos. 1995, 1996, 2001, 2002. I have knowledge of the facts set forth  
10 herein, and if called upon as a witness, I could testify to them competently under oath.

11 2. I have reviewed Oracle’s Motion for a New Trial (“Motion”) and the exhibits  
12 Google designated as Highly Confidential - Attorneys Eyes Only that Oracle submitted under seal  
13 in support of its motion. The following portions of these exhibits contain highly sensitive and  
14 confidential third party information:

- 15 • Ex. G (ECF 1995-6): 95:7-17; 99:10-100:2; 100:6-13.
- 16 • Ex. Y (ECF 1998-28): non-public third party presentation reflects  
17 confidential information regarding terms of the agreement and future product/business  
18 plans.
- 19 • Ex. BB (ECF 1996-11— 1996-12): non-public third party presentation  
20 reflects confidential information regarding the terms of the agreement with third party and  
21 future product/business strategy.
- 22 • Ex. KK (ECF 2001-4): document reflects non-public information regarding  
23 the terms of Google’s agreements with third parties.
- 24 • Ex. PP (ECF 2001-9): 67:7-10; 76:16-25.
- 25 • TX 2449 (ECF 2002-1): Portions of pages 3, 5, 7, 14, 17.
- 26 • TX 4104 (ECF 2002-2): Portions of pages 3, 6-8, 13, 23-25, 44, 46.

27 The information relating to third-party information and agreements that is quoted,  
28 discussed, and/or summarized in the passages above is subject to stringent confidentiality

1 requirements. Indeed, Google places strict limits on who has access to these materials to ensure  
 2 confidentiality is retained. Also, Google does not disclose this information to the public. Public  
 3 disclosure of this information could severely and adversely impact Google's ability to negotiate,  
 4 among other things, similar terms with other third parties in connection with similar agreements  
 5 now or in the future.

6 3. In addition, the following portions of the exhibits filed in support of Oracle's  
 7 Motion contain confidential Android-specific financial and product information:

- 8 • Ex. KK (ECF 2001-4): document reflects non-public information regarding  
 9 Android financials.
- 10 • TX 2449 (ECF 2002-1): Portions of page 8.
- 11 • TX 4104 (ECF 2002-2): Portions of pages 2, 3, 5, 7, 9-11, 13, 22, 23, 34-  
 12 38, 40-42, 47.

13 Google does not publicly allocate revenue or profits to Android separate and apart from  
 14 Google's general business. Accordingly, Google considers the non-public financial data quoted,  
 15 discussed, and/or summarized in these exhibits to be highly sensitive, and public disclosure of  
 16 that information could have significant negative effects on Google's business.

17 4. Finally, the following portions of Oracle's Motion and the exhibits submitted in  
 18 support of the motion contain confidential information about Google's internal strategy and  
 19 decision-making process and future product strategy and plans:

- 20 • Motion (ECF 1995-4): 6:19-26; 10:19-20; 11:26-27.
- 21 • Ex. G (ECF 1995-6): 70:8-10; 93:2-94:16; 95:25-96:10; 96:23-98:10;  
 22 99:10-100:2; 101:15-25; 102:4-13; 191:21; 197:12-25.
- 23 • Ex. L (ECF 1995-7): 24:1-14; 25:1-22.
- 24 • Ex. M (ECF 1995-9): 245:17-252:25.
- 25 • Ex. S (ECF 1995-13): email reflects Google's confidential internal  
 26 business strategy and decision-making process.
- 27 • Ex. Y (ECF 1998-28): Portions of pages 5, 7, 9-18.

1                   •       Ex. AA (ECF 1996-8—1996-10): non-public presentation reflects  
2 confidential information regarding Google’s internal business strategy, terms of the  
3 agreements with third parties, and future product/business strategy.

4                   •       Ex. BB (ECF 1996-11—1996-12): non-public third party presentation  
5 reflects confidential information regarding the terms of the agreement with third party and  
6 future product/business strategy.

7                   •       Ex. PP (ECF 2001-9): 74:23-75:25; 179:1-24; 182:24-183:14; 194:14-25;  
8 226:5-227:15; 228:2-229:12.

9                   •       TX 4104 (ECF 2002-2): Portions of pages 24, 35-37, 44.

10       Google keeps the information quoted, discussed, and/or summarized in these exhibits  
11 confidential and public disclosure of this information would provide a competitive advantage to  
12 Google’s competitors and could have negative effects on Google’s business. *See In re NCAA*  
13 *Student-Athlete Name & Likeness Licensing Litig.*, No. 09-CV-01967 CW NC, 2013 WL  
14 1997252, at \*2 (N.D. Cal. May 13, 2013) (sealing email which “reveals the internal strategy and  
15 decision making process of EA's product development team”); *Microsoft Corp. v. Motorola, Inc.*,  
16 No. C10-1823JLR, 2012 WL 5476846, at \*4 (W.D. Wash. Nov. 12, 2012) (sealing trial exhibits  
17 containing future business plans).

18       5.       None of the exhibits listed in paragraphs 2-4 are part of the public trial record.  
19 They were not shown in Court, used by either party, or considered by the jury as part of its fair  
20 use deliberations. Oracle did not even attempt to introduce these exhibits at trial. Rather, Oracle  
21 filed these Exhibits as examples of evidence Oracle might have introduced if the Court’s motion  
22 *in limine* ruling regarding other products had been in Oracle’s favor.

23       6.       The above-listed portions of the Motion and Exhibits containing confidential  
24 information related to Google’s financials, future products and business strategy, and sensitive  
25 third-party information and agreements should therefore be sealed.  
26  
27  
28

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct to the best of my knowledge.

3 Executed this 11th day of July, 2016 at Sunnyvale, California.

4  
5  
6 By:



RENNY HWANG